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	a.	Dean Schmalensee improperly analyzes the impact of Microsoft's predatory practices					
	b.	Dean Schmalensee's conclusion that Microsoft's practices did not have a material impact on Netscape or other browser rivals is unreliable because it rests on flawed methodology and unreliable					

			(1)	The MDC data measure only the number of users of a primary browser 677
			(2)	Survey data in general suffer from intrinsic difficulties, including biased questioning and methodology, that Dean Schmalensee did not take care to avoid 678
			(3)	The MDC data in particular cannot be relied upon for the purposes for which Dean Schmalensee uses them 680
			(4)	Dean Schmalensee presented the MDC data in a misleading way
			(5)	Dean Schmalensee compounded the flaws in the MDC survey data by improperly combining them with other data
		c.	materi	Schmalensee's conclusion that Microsoft's conduct did not ally raise rivals' costs or predatorily hinder rivals is
			(1)	Dean Schmalensee's contention that rivals' costs have not been raised is contrary to the evidence 700
			(2)	Dean Schmalensee's conclusion that quality increases explain Internet Explorer's rise and Netscape's decline is inaccurate and ignores the impact of Microsoft's predatory campaign
			(3)	Dean Schmalensee's criticisms of the Adknowledge data, and of the inferences plaintiffs' economists drew from that data, are misplaced
В.				petitive conduct created a dangerous probability that nopolize the market for Internet browsers
	1.	Interne	et brows	sers comprise a relevant antitrust market
	2.	Micro	soft spe	cifically intended to monopolize the browser market 728
	3.	undert	aken, w	redatory and exclusionary conduct, at the time it was as reasonably likely to result in Microsoft's obtaining wer over Internet browsers

		a. Microsoft anticipated that its conduct would result in its obtaining a dominant position in Internet browsers			
		b. Because browsers exhibit network effects, it was likely that Microsoft's initial gains in market share would lead to further increases			
		c. Microsoft already has more than half the browser market, and its share is increasing			
		d. Substantial barriers to entry would ensure that Microsoft could exercise monopoly power in browsers			
		e. Microsoft was reasonably likely to acquire monopoly power in Internet browsers			
	4.	Microsoft's monopolization of the browser market would increase the harm to competition already caused by Microsoft's effort to blunt the browser threat			
C.	AOL's acquisition of Netscape will not undo the harm to competition caused by Microsoft's predatory and anticompetitive conduct				
	1.	AOL acquired Netscape for reasons other than its browser 737			
	2.	AOL will not, in the wake of Microsoft's predatory campaign, seek to resuscitate the browser threat; indeed, Microsoft remains likely to achieve dominance in browsers			
	3.	AOL is unlikely to challenge Microsoft's monopoly in other ways, and the other devices it may develop would not affect Microsoft's operating system monopoly			
D.	Microsoft's entire course of conduct has caused, and will continue to cause, substantial and far-reaching harm to competition				
	1.	Microsoft's anticompetitive conduct aimed at blunting middleware threats reinforced the applications barrier to entry by extending Microsoft's ability to influence or control standards			
	2.	Microsoft has achieved its objective of retaining significant influence over network-based standards and application development			

	3.	exten	osoft's effort to blunt threats to its control over standards, and to d that control, will inhibit the emergence of other possible paradigm		
Е.	Microsoft's conduct has caused, and will continue to cause, substantial and far-reaching consumer harm				
	1.	Microsoft's maintenance of its operating system monopoly has deprived, and will continue to deprive, consumers of the benefits of greater competition in operating systems			
		a.	Microsoft has deprived consumers of the possible development of greater choice in operating systems		
		b.	Microsoft has deprived consumers of lower prices that might have resulted from greater choice in operating systems		
		c.	Microsoft has deprived consumers of benefits from innovation in markets related to operating systems		
		d.	Microsoft has deprived consumers of benefits from other potential paradigm shifts that Microsoft's conduct deters		
		e.	Microsoft's obtaining of a monopoly over browsers would result in further harm to consumers		
	2.		actics Microsoft has employed in its anticompetitive and predatory se of conduct harmed consumers		
	3.		osoft's incentive to engage in strategic innovation to protect its ating system monopoly will continue to harm consumers 769		
		a.	Microsoft's maintenance of its operating system monopoly preserves its control over innovation, to the detriment of consumers		
		b.	Microsoft distorted innovation in order to protect its operating system monopoly, thereby harming consumers		
		c.	Microsoft's continued incentive to protect its operating system monopoly can be expected to result in further strategic innovation that does not serve the interests of consumers		